IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

LETTERS PATENT APPEAL NO.462 OF 2004
IN
WRIT PETITION NO.3252 OF 2004

a/w
CIVIL APPLICATION NO.496 OF 2004
IN
LETTERS PATENT APPEAL NO.462 OF 2004

The Union Education Society & Ors. ... Appellants

V/s.

Shri Mohammad Isak Mohammad
Hussain Jamadar & Anr. ... Respondents

Mr.Vineet B. Naik for Appellants
Mr.S.V. Sakhare for Respondents

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **JANUARY 11, 2005**

P.C.:

. By this Appeal, the order passed by a learned Single Judge of this Court is impugned on the ground that it is illegal and without jurisdiction. All that has been done by the impugned order is a time frame is prescribed for decision of the civil Suit and the departmental enquiry initiated against the Respondents is postponed for a stated period. The grievance is that the departmental enquiry commenced by a property constituted management committee need not be stayed or postponed merely because the dispute is raised by a person who has no right to question the constitution of

the management committee.

2. These are the issues which will have to be adjudicated upon by proper forum in proper Court. No injury of any substantial nature is caused to the Petitioners by postponement of the enquiry. There is no jurisdictional error. Hence, no interference is called for. Appeal rejected.

3. In view of the rejection of the Appeal, Civil Application does not survive and the same is disposed off accordingly.

4 Parties be provided an authenticated copy of this order.